

TOWN OF KENT
NOTICE OF HEARING

ADOPTION OF CHAPTER 66A
OF THE KENT CODE

PUBLIC NOTICE is hereby given that there has been introduced before the Town Board of the Town of Kent, New York, on February 29, 2012, Chapter 66A of the Kent Code entitled "Temporary Storage Containers and Construction Debris Containers," which adoption of Chapter 66A is proposed in order to maintain a clean, wholesome and attractive community and to guard against the creation of nuisances and conditions that may endanger the health, safety and welfare of the residents of the Town of Kent; spread disease; create fire hazards; reduce the value of properties; interfere with the use and enjoyment of adjoining properties and interfere with the comfort and well being of the public.

NOW THEREFORE, pursuant to Section 20 of the Municipal Home Rule Law, the Town Board of the Town of Kent, New York will hold a public hearing on the aforesaid adoption of Chapter 66A of the Kent Code at the Town Offices, 25 Sybil's Crossing, Kent Lakes, New York, on March 27, 2012 at 7:00 p.m. in the evening of that day at which time all persons interested therein shall be heard. The Town Board will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

Dated: March 7, 2012

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF KENT

YOLANDA "LANA" CAPPELLI, TOWN CLERK

Chapter 66A

TEMPORARY STORAGE CONTAINERS AND CONSTRUCTION DEBRIS CONTAINERS [Adopted 02-28-12 as L.L. No. ____-2012]

§ 66A-1. Title.

This Chapter shall be known as the "Temporary Storage Containers and Construction Debris Containers" Law.

§ 66A-2. Legislative intent.

It is the intention of the Town Board to maintain a clean, wholesome and attractive community and to guard against the creation of nuisances and conditions that may endanger the health, safety and welfare of the residents; spread disease; create fire hazards; reduce the value of properties; interfere with the use and enjoyment of adjoining properties and interfere with the comfort and well being of the public.

§ 66A-3. Definitions.

For the purpose of this Chapter, the following definitions shall apply:

CONSTRUCTION DEBRIS CONTAINER – Any container for the collection of construction waste, construction garbage, refuse or other construction rubbish with four cubic yards of capacity or larger.

TEMPORARY STORAGE CONTAINER – Any portable container, receptacle or device of a type commonly used for the temporary storage of personal property, and specifically including those storage facilities generally referred to as a portable on demand storage unit (PODS).

TOWN BOARD – The Town Board of the Town of Kent.

§ 66A-4. Statement of Purpose.

Temporary storage containers may only be used by homeowners and contractors within the Town of Kent during the specific period of time that a valid building permit or certificate of occupancy remains in force for construction of a homeowner's residence. Furthermore, a valid permit must be obtained from the Town of Kent by either the homeowner or contractor before the unit is delivered. This permit must be displayed in a conspicuous place on the enclosed temporary storage container at all times.

§ 66A-5. Temporary Storage Unit Permits.

- A. Before a temporary storage container unit can be located and utilized by a resident in the Town of Kent, a permit is required to be obtained from the Building Inspector. The permit application shall be signed by the homeowner or the owner of the property where the container or portable on demand storage unit is to be placed.
- B. No permit shall be valid for more than five (5) months.

§ 66A-6. Requirement for Placement and Use of Temporary Storage Containers.

The following requirements shall apply to the placement and use of temporary storage units:

- A. It shall be unlawful for any person or entity to place or permit the placement of a temporary storage container on property located within the Town of Kent without obtaining a written permit as provided above.
- B. Only one temporary storage container shall be located on any one property at any given time.
- C. A temporary storage container shall be limited to a maximum size of nine (9) feet in height, ten (10) feet in width and twenty (20) feet in length.
- D. A temporary storage container shall not be located in any portion of the front yard, other than on a driveway or other paved surface. When placed on a driveway, the temporary storage container must be placed at the farthest practicably accessible point from the street. A temporary storage container shall not be placed less than five (5) feet from any property line.
- E. Temporary storage containers are prohibited from being placed in or on public or private roadways or rights-of-way.
- F. A temporary storage container shall not be located in a manner that blocks the flow or obstructs the vision or sight of vehicles and pedestrians traveling on public or private roadways, sidewalks or parking lots.
- G. The applicant, as well as the supplier, shall be responsible for ensuring that the temporary storage container is installed and maintained in a good and safe condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks, or in any way which might create a hazard to the general public or any unsightly condition on the property.
- H. The temporary storage container shall be conspicuously marked with the name and address of the supplier and have affixed thereon a copy of the written permit authorizing the placement of the temporary storage unit on the property.

- I. No temporary storage container shall be used for habitable purposes or to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for use other than at the property where the temporary storage container is located (i.e. used for retail sales) or any other illegal or hazardous material. Upon reasonable notice to the applicant, the Town of Kent may inspect the contents of any temporary storage container at any reasonable time to ensure that it is not being used for any prohibited purpose.
- J. A temporary storage container that is not removed at the end of the time for which permission has been granted shall be deemed to be an illegal structure and may be removed by the Town of Kent immediately, without notice, and the costs and expenses thereof shall be certified to the Town of Kent, which shall assess such costs and expenses against the property on which the temporary storage container was located to be collected and enforced in the same manner as real property taxes.

§ 66A-7. Construction Debris Container Permit Application; Approval.

- A. No person, firm or corporation shall place, put, position or situate a construction debris container without first obtaining either a building permit, alteration permit, or separate construction debris container permit from the Building Department for each construction debris container.
- B. Application for a construction debris container permit shall be made to the Building Inspector on forms provided by the Building Department and shall contain the following information:
 - (1) A description of the property or area where the construction debris container will be placed.
 - (2) The full name and address of the applicant, or the names and addresses of responsible officers, if the applicant is a corporation.
 - (3) A brief description of exactly where the construction debris container is placed.
 - (4) Such other information as may be reasonably required to establish compliance with the requirements of the applicable ordinances and regulations.
- C. Application shall be made by the owner or lessee, or agent of either. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the applicant is authorized to make such application.
- D. The Building Inspector shall examine or cause to be examined all applications for permits and the insurance plans filed therewith; he shall approve or disapprove the application within a reasonable time.

- E. Upon approval of the applications and upon receipt of the legal fees therefor, the Building Inspector shall issue a construction debris container permit to the applicant upon the form prescribed by him and shall affix his signature or cause his signature to be affixed thereto. The approval permit shall be kept at the site open to inspection by the Building Inspector or his authorized representative at all reasonable times.
- F. A construction debris container permit is effective for the lesser of term of the building permit or six (6) months but may be renewed by the Building Inspector or the Building Inspector may allot a longer period to the applicant dependent upon need and a request for such submitted with the application.

§ 66A-8. Permit Fees.

Construction debris container and temporary storage container permit fees shall be set by resolution of the Town Board.

§ 66A-9. Penalties for Offenses.

It shall be unlawful for any person, firm or corporation to place, put, position or situate a temporary storage container or a construction debris container in violation of any provision of this article or to fail in any manner to comply with a notice, directive or order of the Building Inspector, or to use any construction debris container in a manner not permitted by a valid permit.

- A. A person who shall knowingly violate any of the applicable provisions of this article or any lawful order, notice, directive, permit or certificate of the Building Department made thereunder shall be guilty of disorderly conduct, and such person shall be a disorderly person, and upon conviction thereof, shall be subject to a fine of Two Hundred Fifty Dollars (\$250.00). Each day during which there is a failure to comply with the provisions of this article or of any order issued by the Building Department shall constitute a separate offense.
- B. Upon violation of any of the provisions of this article (e.g. a construction debris container that is blocking access or one that has not been emptied properly), the permit can be revoked and the temporary storage container or construction debris container removed.